

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 09, 2025**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GREGORY TYREE BROWN,

Plaintiff,

v.

RICHARD MORGAN, et al.,

Defendants.

NO: 4:24-CV-05146-RLP

ORDER DENYING MOTION TO  
ALTER OR AMEND JUDGEMENT

Before the Court is Plaintiff Gregory Tyree Brown's Motion to Alter or Amend Judgment pursuant to Fed. R. Civ. P. 59(e). ECF No. 19. Mr. Brown, an individual incarcerated at the Washington State Penitentiary, paid the \$405.00 filing fee for this action. Defendants were not served.

**RULE 59(e)**

Under Rule 59(e), a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in

1 the controlling law. *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d  
2 1255, 1263 (9th Cir. 1993). Whether to grant a motion for reconsideration is within  
3 the sound discretion of the Court. *Navajo Nation v. Confederated Tribes and Bands*  
4 *of the Yakama Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

5 Mr. Brown supports his Motion with an Affidavit and a Memorandum  
6 detailing how prisoners may access “the court’s e-filing system.” See ECF Nos. 19-1  
7 and 19-2. The “e-filing system,” however, was not the reason this action was  
8 dismiss.

9 Indeed, this Court carefully reviewed the First Amended Complaint received  
10 via the U.S. Postal Service on April 11, 2025, ECF No. 17, and found that it failed to  
11 cure the deficiencies of the initial complaint and did not state a claim upon which  
12 relief may be granted. See ECF No. 18 at 2–3. Because the Court considered and  
13 evaluated Plaintiff’s submission, his assertions regarding the unavailability of e-  
14 filing on April 9, 2025, have no relevance to the disposition of this case.

15 Plaintiff has failed to point to any newly discovered evidence or intervening  
16 change in controlling law. See *Sch. Dist. No. 1J, Multnomah Cnty., Or.*, 5 F.3d at  
17 1263. His Motion offers no valid basis for this Court to find either the April 10,  
18 2025, Order Dismissing Action, ECF No. 15, or the April 23, 2025, Order Directing  
19 That File Remain Closed, ECF No. 18, was clearly erroneous or manifestly unjust.


20 Accordingly, **IT IS HEREBY ORDERED:**

1           1.     Plaintiff's Motion to Alter or Amend the Judgment Pursuant to Fed. R.  
2 Civ. P. 59(e), ECF No. 19, is **DENIED**.

3           2.     The Court certifies an appeal from this decision could not be taken in  
4 good faith.

5           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
6 provide a copy to Plaintiff. The file shall remain closed.

7           **DATED** June 9, 2025.

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10           REBECCA L. PENNELL  
UNITED STATES DISTRICT JUDGE